

BENJAMIN B. WAGNER  
United States Attorney  
PHILIP A. FERRARI  
MICHELLE A. PRINCE  
Assistant U.S. Attorneys  
501 I Street, Room 10-100  
Sacramento, California 95814  
Telephone: (916) 554-2744

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR. No. S-10-0223 JAM
	)	
Plaintiff,	)	
	)	UNOPPOSED MOTION TO DISMISS
v.	)	COUNTS THIRTY-TWO THROUGH
	)	THIRTY-NINE; ORDER
HODA SAMUEL, et al.,	)	
	)	
Defendants.	)	

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For the reasons discussed below, the United States hereby requests that the Court dismiss Counts Thirty-Two through Thirty-Nine in the above-referenced indictment.

Counts Thirty-Two through Thirty-Nine allege false statements in loan applications to Long Beach Mortgage, in violation of 18 U.S.C. 1014. As of the dates of these statements, Long Beach mortgage was a wholly-owned subsidiary of Washington Mutual Bank. Washington Mutual was FDIC-insured, but Long Beach Mortgage was not itself individually insured. In this case, the government has decided to exercise its discretion to forego attempting to prove that the statements to Long Beach Mortgage satisfy the statute.

1 For the foregoing reasons, the government moves to dismiss  
2 Counts Thirty-Two through Thirty-Nine pursuant to Federal Rule of  
3 Criminal Procedure 48(a).

4 Counsel for defendants Devers, Faulkner, Painter, Burris, and  
5 Dawson, who are charged in one or more of these counts, have been  
6 advised of this motion and have not indicated any opposition to it.

7 DATED: December 12, 2011

BENJAMIN B. WAGNER  
United States Attorney

8  
9 By: /s/ Philip A. Ferrari  
10 PHILIP A. FERRARI  
MICHELLE A. PRINCE  
11 Assistant U.S. Attorneys

12 O R D E R

13 For the reasons stated above, it is hereby ORDERED that  
14 pursuant to Fed.R.Crim.P. 48(a), Counts Thirty-Two through Thirty-  
15 Nine of the indictment in case CR S 10-0223 JAM are dismissed.  
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17 Date: 12/13/2011

18  
19 /s/ John A. Mendez  
20 JOHN A. MENDEZ  
U. S. DISTRICT COURT JUDGE  
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